

20A-12-306 Judges -- Failure to file reports -- Penalties.

- (1)
- (a) If a judge's personal campaign committee fails to file the interim report due before the regular general election, the lieutenant governor shall, after making a reasonable attempt to discover if the report was timely filed:
 - (i) inform the county clerk and other appropriate election officials who:
 - (A) (I) shall, if practicable, remove the name of the judge from the ballots before the ballots are delivered to voters; or
 - (II) shall, if removing the judge's name from the ballot is not practicable, inform the voters by any practicable method that the judge has been disqualified and that votes cast for the judge will not be counted; and
 - (B) may not count any votes for that judge; and
 - (ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.
 - (b) Any judge who fails to file timely a financial statement required by this part is disqualified.
 - (c) Notwithstanding Subsections (1)(a) and (1)(b), a judge is not disqualified and the lieutenant governor may not impose a fine if:
 - (i) the candidate timely files the reports required by this section in accordance with Section 20A-11-103;
 - (ii) the reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and
 - (iii) the omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are corrected in an amended report or in the next scheduled report.
- (2)
- (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:
 - (i) each judge that is required to file a summary report has filed one; and
 - (ii) each summary report contains the information required by this part.
 - (b) If it appears that any judge has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the judge of the violation or written complaint and direct the judge to file a summary report correcting the problem.
 - (c)
 - (i) It is unlawful for any judge to fail to file or amend a summary report within 14 days after receiving notice from the lieutenant governor under this section.
 - (ii) Each judge who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.
 - (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the attorney general.

Amended by Chapter 389, 2010 General Session